

# PATENT COOPERATION TREATY

## PCT

### INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter I of the Patent Cooperation Treaty)

(PCT Rule 44bis)

Applicant's or agent's file reference 215743/RV/jn	<b>FOR FURTHER ACTION</b>		See item 4 below
International application No. PCT/NL2005/000434	International filing date ( <i>day/month/year</i> ) 14 June 2005 (14.06.2005)	Priority date ( <i>day/month/year</i> ) 15 June 2004 (15.06.2004)	
International Patent Classification (8th edition unless older edition indicated) See relevant information in Form PCT/ISA/237			
Applicant TECHNISCHE UNIVERSITEIT EINDHOVEN			

1. This international preliminary report on patentability (Chapter I) is issued by the International Bureau on behalf of the International Searching Authority under Rule 44 bis.1(a).

2. This REPORT consists of a total of 7 sheets, including this cover sheet.

In the attached sheets, any reference to the written opinion of the International Searching Authority should be read as a reference to the international preliminary report on patentability (Chapter I) instead.

3. This report contains indications relating to the following items:

- |                                     |              |   |
|-------------------------------------|--------------|---|
| <input checked="" type="checkbox"/> | Box No. I    | Basis of the report   |
| <input type="checkbox"/>            | Box No. II   | Priority  |
| <input type="checkbox"/>            | Box No. III  | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  |
| <input type="checkbox"/>            | Box No. IV   | Lack of unity of invention  |
| <input checked="" type="checkbox"/> | Box No. V    | Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement |
| <input type="checkbox"/>            | Box No. VI   | Certain documents cited   |
| <input type="checkbox"/>            | Box No. VII  | Certain defects in the international application  |
| <input type="checkbox"/>            | Box No. VIII | Certain observations on the international application   |

4. The International Bureau will communicate this report to designated Offices in accordance with Rules 44bis.3(c) and 93bis.1 but not, except where the applicant makes an express request under Article 23(2), before the expiration of 30 months from the priority date (Rule 44bis .2).

	Date of issuance of this report 20 December 2006 (20.12.2006)
The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  Nora Lindner
Facsimile No. +41 22 338 82 70	e-mail: <a href="mailto:pi02@wipo.int">pi02@wipo.int</a>

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

To:       see form PCT/ISA/220	<div style="border: 1px solid black; padding: 2px; margin-bottom: 5px;">                     REC'D 23 MAY 2006                 </div> <div style="border: 1px solid black; padding: 2px; display: flex; justify-content: space-between;"> <span>WIPO</span> <span>PCT</span> </div> <div style="text-align: center; padding: 10px;"> <b>PCT</b>   <b>WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY</b>                      (PCT Rule 43bis.1)                 </div> <div style="border: 1px solid black; padding: 2px; margin-top: 5px;">                     Date of mailing                      (day/month/year) see form PCT/ISA/210 (second sheet)                 </div>	
Applicant's or agent's file reference see form PCT/ISA/220	<b>FOR FURTHER ACTION</b> See paragraph 2 below	
International application No. PCT/NL2005/000434	International filing date (day/month/year) 14.06.2005	Priority date (day/month/year) 15.06.2004
International Patent Classification (IPC) or both national classification and IPC INV. H05H1/24 A61B18/00		
Applicant TECHNISCHE UNIVERSITEIT EINDHOVEN		

**1. This opinion contains indications relating to the following items:**

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and Industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

**2. FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

**3. For further details, see notes to Form PCT/ISA/220.**

Name and mailing address of the ISA:  European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Date of completion of this opinion  see form PCT/ISA/210	Authorized Officer  Capostagno, E  Telephone No. +31 70 340-3221
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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/NL2005/000434

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**Box No. I Basis of the opinion**

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1. With regard to the language, this opinion has been established on the basis of:
  - ☒ the international application in the language in which it was filed
  - ☐ a translation of the International application into , which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1 (b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
  - a. type of material:
    - ☐ a sequence listing
    - ☐ table(s) related to the sequence listing
  - b. format of material:
    - ☐ on paper
    - ☐ in electronic form
  - c. time of filing/furnishing:
    - ☐ contained in the international application as filed.
    - ☐ filed together with the international application in electronic form.
    - ☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/NL2005/000434

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes: Claims	2-6, 8, 13-22
	No: Claims	1, 7, 9-12
Inventive step (IS)	Yes: Claims	16-18
	No: Claims	1-15, 19-22
Industrial applicability (IA)	Yes: Claims	
	No: Claims	

**2. Citations and explanations**

**see separate sheet**

**Re Item V.**

Reference is made to the following documents:

D1: US-B1-6475217  
D2: WO-A1-01/70114  
D3: US-A-5163910  
D4: WO-A2-01/62169  
D5: WO-A1-95/24111

1. The present application does not meet the criteria of Article 33(1) PCT, because the subject-matter of claims 1, 7, 9-12 is not new in the sense of Article 33(2) PCT.

- 1.1 The document D1, which is regarded as being the closest prior art to the subject-matter of claim 1, discloses (see fig. 3, 5 ; the references in parentheses applying to this document):

A device for generating a local cold plasma (46) over the surface of an object (50), comprising a HF power source (22), a plasma chamber (40), an active electrode (48) placed in the plasma chamber (40) and electrically connected to the HF power source (22), a passageway (28) for a plasma gas leading to the plasma chamber (40) nearby the active electrode (48), with steering means (160) capable of orienting the active electrode (48) with reference to the object (50).

The subject-matter of claim 1 is therefore not new, according to Article 33(2) PCT.

- 1.2 Further, D1 discloses an assembly containing all the additional features of dependent claims 7, 9-12, which therefore are not new. In particular:

- claim 7: the steering means comprises a shape memory material (col. 4, lines 18-22);
- claim 9: the steering means is placed around the active electrode (fig.3, 5);
- claims 10-12: the device comprises a catheter, with a proximal end and a distal end,

where the active electrode is placed in the distal end, which forms an open plasma chamber (fig.3, 5).

2. Dependent claims 2-6, 8, 13-15, 19-22 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step (Article 33(3) PCT), the reasons being as follows:
  - 2.1 The subject-matter of claims 2-5 is obvious in the light of D1 and D2 (page 25, lines 5-10; page 35, line 26 - page 36, line 6);
  - 2.2 The subject-matter of claim 6 is obvious in the light of D1 and D3 (col. 5, lines 60-67);
  - 2.3 The subject-matter of claim 8 is obvious in the light of D1 and D2 (page 37, lines 1-16);
  - 2.4 The subject-matter of claims 13-15 is obvious in the light of D1 and D4 (page 42, lines 24-29);
  - 2.5 The subject-matter of claim 19 is obvious in the light of D1 and D3 (col. 5, lines 42-46);
  - 2.6 The subject-matter of claims 20-22 is obvious in the light of D1 and D5 (page 3, lines 18-21; page 5, line 29 - page 6, line 9).
3. The combination of the features of dependent claims 16-18 is neither known from, nor rendered obvious, by the prior art, the reasons being as follows:  
The possibility for the gas to flow coaxially outside the outer conductor, and with distance rings placed between the outer conductor and the external casing, is not suggested by the available prior art.
4. Additional remark

The drawing reference signs should be indicated in the claims (Guidelines, 5.11).

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

**PCT/NL2005/000434**

# PATENT COOPERATION TREATY

From the  
INTERNATIONAL SEARCHING AUTHORITY

<p>To:</p>   <p style="text-align: center;">see form PCT/ISA/220</p>	<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">REC'D 23 MAY 2006</td> <td style="width: 50%;"></td> </tr> <tr> <td style="text-align: center;">WIPO</td> <td style="text-align: center;">PCT</td> </tr> </table> <p style="text-align: center; font-size: 1.5em; font-weight: bold;">PCT</p> <p style="text-align: center;">WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="padding: 2px;">Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)</td> </tr> </table>	REC'D 23 MAY 2006		WIPO	PCT	Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)
REC'D 23 MAY 2006						
WIPO	PCT					
Date of mailing (day/month/year) see form PCT/ISA/210 (second sheet)						
<p>Applicant's or agent's file reference see form PCT/ISA/220</p>	<p><b>FOR FURTHER ACTION</b> See paragraph 2 below</p>					
<p>International application No. PCT/NL2005/000434</p>	<p>International filing date (day/month/year) 14.06.2005</p>					
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<p>International Patent Classification (IPC) or both national classification and IPC INV. H05H1/24 A61B18/00</p>						
<p>Applicant TECHNISCHE UNIVERSITEIT EINDHOVEN</p>						

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**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/NL2005/000434

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**Box No. 1 Basis of the opinion**

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INTERNATIONAL SEARCHING AUTHORITY**

International application No.  
PCT/NL2005/000434

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**Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

---

**1. Statement**

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	No: Claims	1, 7, 9-12
Inventive step (IS)	Yes: Claims	16-18
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Industrial applicability (IA)	Yes: Claims	
	No: Claims	

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**see separate sheet**

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The possibility for the gas to flow coaxially outside the outer conductor, and with distance rings placed between the outer conductor and the external casing, is not suggested by the available prior art.
4. Additional remark

The drawing reference signs should be indicated in the claims (Guidelines, 5.11).

**WRITTEN OPINION OF THE  
INTERNATIONAL SEARCHING  
AUTHORITY (SEPARATE SHEET)**

International application No.

PCT/NL2005/000434

**(10) International Publication Number**  
**WO 2005/125287 A3**

(57) Abstract: The invention relates to a device for creating a local cold plasma at the location of an object, said device at least comprising a high-frequency power source, a plasma chamber, a plasma discharge electrode disposed in said plasma chamber, which is electrically connected to said high-frequency power source, as well as a supply line for a plasma gas, which opens into the plasma chamber at a location near the plasma discharge electrode. The object of the invention is to provide an improved device as referred to in the introduction, which enables an improved control of the created plasma in relation to the object. To that end, the device according to the invention is characterized in that the device comprises adjusting means arranged for automatically orienting the plasma discharge electrode relative to the object.

# INTERNATIONAL SEARCH REPORT

national application No  
T/NL2005/000434

A. CLASSIFICATION OF SUBJECT MATTER  
INV. H05H1/24 A61B18/00

According to International Patent Classification (IPC) or to both national classification and IPC

## B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

H05H A61B A61C

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

## C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 6 475 217 B1 (PLATT ROBERT C) 5 November 2002 (2002-11-05) column 1, line 66 - column 2, line 29 column 3, line 22 - line 27 column 3, line 59 - column 4, line 25 column 5, line 25 - line 62 column 7, line 2 - line 6	1,7,9-12
Y	figures 3-5  ----- -/-	2-6,8, 13-15, 19-22

☒ Further documents are listed in the continuation of Box C.

☒ See patent family annex.

### \* Special categories of cited documents:

- \*A\* document defining the general state of the art which is not considered to be of particular relevance
- \*E\* earlier document but published on or after the international filing date
- \*L\* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- \*O\* document referring to an oral disclosure, use, exhibition or other means
- \*P\* document published prior to the international filing date but later than the priority date claimed

- \*T\* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- \*X\* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- \*Y\* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- \*Z\* document member of the same patent family

Date of the actual completion of the international search

10 May 2006

Date of mailing of the international search report

23/05/2006

Name and mailing address of the ISA/  
European Patent Office, P.B. 5619 Patentlaan 2  
NL - 2280 HV Rijswijk  
Tel. (+31-70) 340-2040, Tx. 31 851 epo nl,  
Fax: (+31-70) 340-3016

Authorized officer

Capostagno, E

## INTERNATIONAL SEARCH REPORT

International application No.  
 IT/NL2005/000434

C(Continuation). DOCUMENTS CONSIDERED TO BE RELEVANT

Category*	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 01/70114 A (RITA MEDICAL SYSTEMS INC; BALBIERZ, DANIEL; EDWARDS, STUART) 27 September 2001 (2001-09-27) page 8, line 1 - line 27 page 12, line 24 - page 13, line 22 page 15, line 1 - line 30 page 22, line 12 - line 31 page 24, line 28 - page 25, line 25 page 26, line 10 - line 28 page 28, line 30 - line 32 page 35, line 26 - page 36, line 6 page 36, line 18 - page 37, line 29	2-5, 8
A	claims 1, 47, 50 figures	13, 14
Y	US 5 163 910 A (SCHWARTZ ET AL) 17 November 1992 (1992-11-17) column 5, line 26 - line 67 figures 2, 6	6, 19
Y	WO 01/62169 A (GYRUS MEDICAL LIMITED; GOBLE, COLIN, CHARLES, OWEN; PENNY, KEITH; HANC) 30 August 2001 (2001-08-30) page 42, line 24 - page 43, line 21	13-15
A	figure 19	21
Y	WO 95/24111 A (SOCIETE D'EXPLOITATION DENTAIRE; LHUISSET, FRANCOIS) 8 September 1995 (1995-09-08) page 3, line 3 - line 21 page 5, line 9 - page 6, line 9 page 7, line 14 - line 29 figures 2, 3	20-22
A	WO 02/47569 A (C.R. BARD, INC; SAGON, STEPHEN, W; BROWN, CHARLES, E., III; GIBSON, CH) 20 June 2002 (2002-06-20) page 2, line 22 - page 3, line 4 page 3, line 15 - line 16 page 6, line 1 - line 23 page 7, line 30 - page 8, line 1 page 9, line 6 - line 21 page 13, line 25 - page 14, line 14	1-4
A	AU 661 938 B2 (PHAM VAN NHIEU) 10 August 1995 (1995-08-10)	



# INTERNATIONAL SEARCH REPORT

International application No

CT/NL2005/000434

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
US 6475217	B1	05-11-2002	US	2003093073 A1	15-05-2003
WO 0170114	A	27-09-2001	AU	4579401 A	03-10-2001
			CA	2402585 A1	27-09-2001
			EP	1265532 A1	18-12-2002
			JP	2003534037 T	18-11-2003
			NZ	521908 A	28-05-2004
			US	6770070 B1	03-08-2004
US 5163910	A	17-11-1992	NONE		
WO 0162169	A	30-08-2001	AT	293927 T	15-05-2005
			AU	3394401 A	03-09-2001
			DE	60110379 D1	02-06-2005
			DE	60110379 T2	16-02-2006
			EP	1257220 A2	20-11-2002
			ES	2241787 T3	01-11-2005
WO 9524111	A	08-09-1995	NONE		
WO 0247569	A	20-06-2002	EP	1343426 A1	17-09-2003
			EP	1343427 A1	17-09-2003
			WO	02056783 A1	25-07-2002
AU 661938	B2	10-08-1995	AU	5397994 A	18-08-1994

From the INTERNATIONAL BUREAU

**PCT**NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

To:

VALKONET, Rutger  
Algemeen Octrooi- en Merkenbureau  
P.O. Box 645  
NL-5800 AP Eindhoven  
PAYS-BAS

(PCT Administrative Instructions, Section 411)

Date of mailing (day/month/year) 12 October 2005 (12.10.2005)	
Applicant's or agent's file reference 215743/RV/jn	IMPORTANT NOTIFICATION
International application No. PCT/NL2005/000434	International filing date (day/month/year) 14 June 2005 (14.06.2005)
International publication date (day/month/year)	Priority date (day/month/year) 15 June 2004 (15.06.2004)
Applicant TECHNISCHE UNIVERSITEIT EINDHOVEN et al	

1. By means of this Form, which replaces any previously issued notification concerning submission or transmittal of priority documents, the applicant is hereby notified of the date of receipt by the International Bureau of the priority document(s) relating to all earlier application(s) whose priority is claimed. Unless otherwise indicated by the letters "NR", in the right-hand column or by an asterisk appearing next to a date of receipt, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. (If applicable) The letters "NR" appearing in the right-hand column denote a priority document which, on the date of mailing of this Form, had not yet been received by the International Bureau under Rule 17.1(a) or (b). Where, under Rule 17.1(a), the priority document must be submitted by the applicant to the receiving Office or the International Bureau, but the applicant fails to submit the priority document within the applicable time limit under that Rule, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
3. (If applicable) An asterisk (\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b) (the priority document was received after the time limit prescribed in Rule 17.1(a) or the request to prepare and transmit the priority document was submitted to the receiving Office after the applicable time limit under Rule 17.1(b)). Even though the priority document was not furnished in compliance with Rule 17.1(a) or (b), the International Bureau will nevertheless transmit a copy of the document to the designated Offices, for their consideration. In case such a copy is not accepted by the designated Office as the priority document, Rule 17.1(c) provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

Priority date	Priority application No.	Country or regional Office or PCT receiving Office	Date of receipt of priority document
15 June 2004 (15.06.2004)	1026422	NL	29 September 2005 (29.09.2005)

The International Bureau of WIPO  
34, chemin des Colombettes  
1211 Geneva 20, Switzerland

Authorized officer

Claudine PERGOD

Facsimile No. +41 22 338 82 70

Facsimile No. (41-22) 338.89.65

Telephone No. +41 22 338 9207